



Dkt. 2710/60471

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seinosuke Horiki et al.

Serial No.: 09/403,338

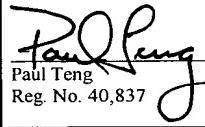
Group Art Unit: 1773

Filed: October 19, 1999

Examiner: Kevin R. Kruer

For: MOLDING MATERIAL, INNER MATERIAL USING THE SAME, AND METHOD
FOR PRODUCING THE SAME

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Paul Teng
Reg. No. 40,837

March 1, 2007
Date

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**

A final Office Action dated January 10, 2006 was issued by the United States Patent and Trademark Office (PTO or Patent Office) in connection with this application. Applicant filed an Amendment pursuant to 37 C.F.R. §1.116 with the PTO on May 10, 2006. On May 23, 2006, the Patent Office issued an Advisory Action, indicating that the May 10, 2006 Amendment was not entered because it required further consideration and/or search. On July 10, 2006, applicant filed a Notice Of Appeal From The Examiner's Decision To The Board Of Patent Appeals And Interferences. Accordingly, an appeal brief was originally due September 10, 2006, with an extension of time of five months (i.e. until February 10, 2007) available.

An appeal brief or other appropriate response to the January 10, 2006 final rejection,

through an inadvertent error, was not filed by the September 10, 2006 due date, and thereby the application unintentionally became abandoned after February 10, 2007.

This unintentional abandonment was brought to the attention of the undersigned by Examiner Kevin R. Kruer of the Patent Office via a telephone conference initiated by Examiner Kruer last week (week of February 20-23, 2007). Examiner Kruer inquired whether Applicant filed an appeal brief or other appropriate response to the January 10, 2006 final rejection. As a result of the Examiner's inquiry, the undersigned investigated and discovered that an appropriate response to the January 10, 2006 final rejection was inadvertently not filed.

This Petition is submitted to revive the above-identified application under 37 C.F.R. §1.137(b). Since this Petition under 37 C.F.R. §1.137(b) is being submitted within two months of the February 11, 2007 abandonment date, the Petition is being timely filed.

Requirements of Petition to Revive

A petition under 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless it has been previously filed;
- (2) the petition fee set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in §120(d)) required pursuant to 37 C.F.R. §1.137 (c) for a utility application filed before June 8, 1995.

This Petition is being submitted concurrently with a Request for Continued Examination under 37 C.F.R. §1.116, including request to the Patent Office to consider the unentered amendment filed on May 10, 2006. Accordingly, it is believed that the required reply is being submitted herewith.

The fee for a Petition under 37 C.F.R. §1.137(b) as set forth in 37 C.F.R. §1.17(m) is \$750.00 for a small entity, and the Patent Office is hereby authorized to charge the amount of this \$750.00 Petition fee and the \$395.00 RCE fee for a small entity to Deposit Account No. 03-3125. If any additional fee is required in connection with the filing of this Petition, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125. If a petition for an extension of time is required, applicant requests that this Petition be considered to be such a request for extension of time.

The entire delay in filing the required reply, i.e. response to the January 10, 2006 final rejection, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

Because this application was filed after June 8, 1995, 37 C.F.R. §1.137(c) does not require any terminal disclaimer to be filed.

In view of the foregoing, Applicant earnestly solicits an expeditious revival of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this Petition, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400